

**Task Force on the Future for Growth and Development in Maryland**

**February 9, 2009 / 12:00 PM – 3:00 PM**

**The Maryland Department of Planning**

**Baltimore, Maryland**

**Meeting Summary**

*Members:* Jon Laria, David Beall, Karl Brendle, Sandy Coyman, Jan Gardner, Carol Gilbert, Janet Greenip, Richard Hall, Don Halligan, Frank Hertsch, Brigid Kenney, Vanessa Orlando

*Attendees:* Marty Baker, Nicole Diehlmann, Candace Donoho, Alan Girard, Landra Jones, Les Knapp, David Lever, Sandi Olek, John Papagni, Jacquelyn Rouse, Wolfger Schneider, Hara Smith, Barbara Zektick

*MDP Staff:* John Coleman, Amanda Conn, Peter Conrad, Jenny King, Marco Merrick, Nery Morales, Matt Power, Shelley Wasserman

**Introduction**

The Chair, Mr. Jon Laria, welcomed the Task Force members back and thanked them for their participation. The Chair reviewed the accomplishments of the previous year, beginning with the completion and delivery of the report. The report fulfilled the initial requirement that the Bill designated as a goal for the Task Force. The report also tasked the Task Force with many other items to accomplish, within its remaining time in existence.

The Task Force report has already been distributed to various interested groups and the Chair and some other members have been asked to attend conferences and panels discussing the contents of the report. Within reason, the Chair and Task Force members are happy to discuss at panels or conferences. Please contact Jenny King at [jbking@mdp.state.md.us](mailto:jbking@mdp.state.md.us) if you would like more information regarding possible speaking engagements.

Mr. Hall informed the Task Force that the Governor announced five bills called the Smart, Green and Growing package. The first hearing is in the Environmental Matters Committee on February 18<sup>th</sup> and the following week it is being heard in the Senate.

Assistant Attorney General, Amanda Conn reviewed the upcoming bills, some of which are direct recommendations from the Task Force. The following is a synopsis of each Bill.

## Senate Bill 276: Smart, Green, and Growing – Annual Report – Smart Growth Measures and Indicators

- There is not enough reliable information collected to inform our land use goals, despite the critical importance of measuring how Maryland is growing at the State, regional, and local levels.
- Collecting data is becoming common practice in all disciplines and fields of practice. K-12 education, higher education and the health care system are all areas that depend greatly on the quality of data collection and analysis.
- For example, in 1966, fatalities from automobile accidents topped 50,000 after decades of steady increases. That same year, Congress enacted the Highway Safety Act and directed the creation of an information system “to determine the probable causes of accidents, injuries and deaths”—making data collection, analysis and dissemination a central component of auto-safety efforts. This action laid the groundwork for smarter decision-making. In a paper-based world, data was virtually impossible to generate. The costs and administrative burden associated with data collection and analysis were simply too steep. Today, moving information from one place to another is instantaneous and virtually free. Technology has made possible a whole series of monitoring opportunities, data exchanges, and comparisons that would have been impossible even a few years ago.
- Data collection and analysis promises to illuminate problems and reduce uncertainty by revealing severity, geographic concentration, and trends. This knowledge, publicly disseminated, can sharpen debate over policy choices and facilitate consensus between counties and the State.
- Having a clear picture of our land use challenges will enhance our policy options. Policymaking can become more nimble, able to quickly adjust to changing circumstances, more tailored, so that our responses will fit the unique needs of communities and help us see how problems respond to different strategies.
- A number of pioneering local and state governments are showing us how to better govern by the numbers. The City of Charlotte, N.C., for example, has developed metrics to identify and target fragile neighborhoods for revitalization.
- In Baltimore, the mayor’s office implemented CitiStat to continuously monitor performance data from city departments to improve service delivery and achieve budget savings. The Governor has brought StateStat and BayStat to state government to inform our policies and hold us accountable to taxpayers for results.
- Local governments in Maryland have invested millions of dollars during the past 10-15 years to develop and implement GIS systems, which are necessary to address such pressing needs as public works, 911 emergency response systems, and other local government functions. As a by-product of these GIS systems, the technology is widely available at the county level to generate the measures required in this Bill.

- This Bill will not impose a new burden, but rather it is part of an integrated whole: local investment in GIS to serve both operational and performance measure needs necessary for government to manage its programs, services and resources more effectively and efficiently.
- Collaboration between counties and the State is the key to deriving a set of metrics that are jurisdiction specific and of use to both the local jurisdiction and the State in support of increasing sustainable development that is Smart, Green and Growing.

#### Senate Bill 258- Heritage Structure Tax Credit Program Reauthorization

- The 2009 legislation reauthorizes and enhances the existing program which is due to expire in July 2010, making it the first of its kind in the nation to link historic preservation with “greening” and to provide a bonus for Green Building projects.
- Sometimes what we’re looking for is right under our noses. A sound historic building that is abandoned or demolished is a wasted asset. According to a formula produced for the Advisory Council on Historic Preservation, about 80 billion BTUs of energy are “embodied” within a typical 50,000-square foot commercial building, the equivalent of about 640,000 gallons of gasoline. Embodied energy is the total amount of energy used during construction and in the shipping and fabrication of materials.
- One of the basic truths about climate change is that it is the result of overconsumption of natural resources. According to The Pew Center on Climate Change, 43% of America’s carbon emissions come from the operation of buildings and this doesn’t include the carbon that is generated by extracting, manufacturing and transporting building materials. We know that it doesn’t make sense to construct more new buildings while ignoring the ones we already have. In addition to building green, we have to make greener uses of what we’ve already built.
- Economic stimulus? As President Obama and Congress develop strategies to address this serious recession, we have an astounding opportunity for transformational sustainability creating jobs and profitable financial investments, and revitalizing communities. Retrofitting existing buildings provides the most profound, yet most under-appreciated, strategy for reducing resource consumption and increasing wealth.
- Tax credit projects have benefited communities in every county in Maryland. The credits have been used for such transformative projects as the Bethesda Theatre in Montgomery County, the Brentwood Art Center in Prince George’s County, and the former Can Company in Baltimore. Other projects preserving our historic and architectural past include the National Park Seminary in Silver Spring, and Melwood Park in Prince George’s County. Without the credits, these projects, and dozens of others, would not have happened.

- To date, the program has leveraged private sector investment in the rehabilitation of over 2,600 residential and 550 commercial properties throughout the state. FY08 numbers show that the program has leveraged more than \$123 million in construction activity for commercial projects.
- For commercial projects alone, the credit has yielded more than three dollars for every tax dollar allocated by the State. Also, the credits provide jobs and investment in Maryland, community and economic development, transformation of older neighborhoods, historic preservation, small and minority business development, greening and sustainability.
- The benefit of additional job creation contributes to the tax base of the affected communities and to the State. Preservation projects create a greater number of jobs than new construction due to the need to hire skilled trade people to work on labor-intensive projects.

#### Senate Bill 273 - Smart, Green, and Growing – Local Government Planning-Visions

- The world has experienced quantum change throughout the last two decades. Yet the “Planning Visions” that represent the pillars of Maryland land use policy have not been updated or modernized in 16 years.
- At their core, the Visions are what local jurisdictions base their comprehensive plans on to give direction to local subdivision and zoning ordinances which affect what “happens on the ground.”
- The very first proposed Vision is about quality of life and sustainability and expresses Maryland’s desire to be Smart, Green and Growing. It underscores the strong connection between where we live, where we work, and the quality of life we enjoy.
- One of the most important outcomes hoped for as a result of modernizing the planning visions is to reduce our dependence on gas. Smart growth strives to reduce long commutes with a preference to use public transit.
- According to the 2000 Census, Maryland has the second worst commute in the country. The average full-time worker spends 255 hours per year (more than six work weeks) traveling to and from work.
- Commuting times are increasing for a variety of reasons, including housing affordability, personal choice, market forces, and job location. The average Marylander traveled an astounding 10,104 miles in 2006, and the experience of a long commute, as described in a recent Washington Post article, is nothing short of “soul-sapping.”

- Traffic congestion wastes time and energy, costs money, pollutes the air, and the Chesapeake Bay. Stress and physical inactivity exacerbate obesity — the No. 1 public health epidemic in the United States. Traffic accidents kill, maim, and injure people; damage property; and waste taxpayer dollars in order to control and then clean up after them.

#### Senate Bill 280:-Smart, Green, Growing – Smart and Sustainable Growth Act of 2009

- Recently, the Maryland Court of Appeals substantially weakened the strong link that exists between local comprehensive plans and zoning in a case called “Terrapin Run” when the Court ruled that these plans were merely advisory.
- The Smart and Sustainable Growth Act of 2009 acknowledges and respects the hard work that goes into local planning, and recognizes that the people of Maryland are best served if the comprehensive plan is followed. The legislation clarifies and reiterates that local jurisdictions must implement and follow the comprehensive plan each adopts.
- Public participation is at the heart of developing a strong comprehensive plan. Citizens devote countless hours and hard work to making positive contributions to this process. Our experience shows that success depends on the community itself taking responsibility for making things better.
- President Thomas Jefferson, who was also an architect once said, “I know of no safe depository of the ultimate powers of society, but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion.”
- Put another way, if we want to know how the shoe fits, we have to ask the person who is wearing it, not the one who made it.
- If allowed to stand, the decision harms Smart and Sustainable Growth in three important ways:
  - 1) Devalues the significant local government and citizen investment of time and resources in developing comprehensive plans;
  - 2) Curtails the State’s ability to discourage sprawl development and mandate state-wide Smart Growth priorities, and
  - 3) Undermines the clear intent of the General Assembly that local jurisdictions adopt and implement land use regulations that are consistent with State law.

Don Halligan, MDOT, discussed some legislative initiatives. Ms. Barbara Zektick gave a presentation about Senate Bill 300, which works to define the meaning of TOD and provides local governments more authority to do Tax Increment Financing (TIF). If anyone would like to support this Bill, please contact Ms. Zektick for a form letter of support.

### 2009 Work Plan

Mr. Laria reviewed the 2009 Work Plan. The Work Plan creates six new workgroups led by various members. Mr. Laria asked to be contacted by members as to which groups they would like to participate. The workgroups can consist of non-members, yet Mr. Laria would like to be alerted to these people.

MDE, DHCD, MDP and MDOT described in detail the early initiatives they are taking to fulfill the recommendations and goals for the Task Force. The group discussed these initiatives and determined the delegation of these tasks to workgroups.

### Proposed Stormwater Regulations

Ms. Kenney briefed the Task Force on the proposed Stormwater Regulations and its status. Ms. Kenney explained that since the fall of 2008 the Regulations have been worked on and appropriately advertised. The Regulations were on their way to being adopted but the AELR (Administrative Executive Legislative Review Committee) placed a hold on the Regulations being adopted. At the present MDE does not have any further information on its status.

### Climate Action Plan Review

Ms. Kenney delivered a brief overview of the Climate Action Plan. She noted that since the document is so lengthy and complex that possibly it would be more productive if an MDE staffer could present the report to the Task Force under the slant of growth and development and how these interact with climate change.

### Public Comments

Mr. Wolfger Schneider who also attended the Woodlawn Listening Session posed several questions to the Task Force. These questions included: Are we really looking into the future? Are there limits to growth and development? He asked that these questions be taken into consideration as the year goes on.

The Chair thanked the members for attending the meeting and for all their hard work.

Meeting adjourned at 2:20 PM

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